

EXHIBIT 10

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----x
5 KATHRYN TOWNSEND GRIFFIN,
6 HELEN MCDONALD, and THE ESTATE
7 OF CHERRIGALE TOWNSEND,

8 -against-

9 Civil Action No.:
10 1:17-CV-05221-RJS/GRIFFIN

11 EDWARD CHRISTOPHER SHEERAN,
12 p/k/a ED SHEERAN, ATLANTIC
13 RECORDING CORPORATION, d/b/a
14 ATLANTIC RECORDS, SONY/ATV
15 MUSIC PUBLISHING LLC and
16 WARNER MUSIC GROUP
17 CORPORATION, d/b/a ASYLUM
18 RECORDS,

19 Defendants.

20 -----x
21 April 24, 2018
22 3:00 p.m.

23 Deposition of HELEN C. MCDONALD, taken by
24 Defendants, pursuant to Notice, held at the law
25 offices of Pryor Cashman, LLP, 7 Times Square, New
York, New York, before Judith Castore, a Certified
Livenote Reporter and Notary Public of the State of
New York.

<p style="text-align: right;">Page 14</p> <p>1 MCDONALD</p> <p>2 A Um-hum.</p> <p>3 Q Okay.</p> <p>4 And you owned a restaurant</p> <p>5 and bar?</p> <p>6 A Yes.</p> <p>7 Q More than one?</p> <p>8 A More than one restaurant.</p> <p>9 Q And you --</p> <p>10 A One restaurant and bar was</p> <p>11 combined.</p> <p>12 Q Okay.</p> <p>13 A And then the other restaurant</p> <p>14 was alone. Just by itself. And then</p> <p>15 we bought real estate property that I</p> <p>16 managed.</p> <p>17 Q And you and Mr. McDonald</p> <p>18 owned the restaurant and then the</p> <p>19 restaurant and bar together?</p> <p>20 A Um-hum.</p> <p>21 Q Okay.</p> <p>22 A Yes.</p> <p>23 Q Did you run those businesses</p> <p>24 on a daily basis?</p> <p>25 A All but the bar and</p>	<p style="text-align: right;">Page 16</p> <p>1 MCDONALD</p> <p>2 before 9/11 back to California.</p> <p>3 Q So your moving to California</p> <p>4 was not related to 9/11?</p> <p>5 A No.</p> <p>6 Q Who caused you to move back?</p> <p>7 A I got divorced and I was</p> <p>8 tired of the snow and the ice and I</p> <p>9 just said, it's a good time to go back.</p> <p>10 Q Fair enough.</p> <p>11 Do you have any background in</p> <p>12 music?</p> <p>13 A No.</p> <p>14 Q Do you --</p> <p>15 A Can't even sing. Can't even</p> <p>16 carry a note. Can't even -- I can see</p> <p>17 a note, but I can't read it.</p> <p>18 Q Okay.</p> <p>19 Well, that just removed</p> <p>20 several questions. Thank you.</p> <p>21 I think we mentioned this,</p> <p>22 but your brother was Ed Townsend,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q He was a songwriter?</p>
<p style="text-align: right;">Page 15</p> <p>1 MCDONALD</p> <p>2 restaurant. The other restaurant and</p> <p>3 real estate I did.</p> <p>4 Q Then you retired in 1990?</p> <p>5 A I retired in 1990.</p> <p>6 Q And you moved back to</p> <p>7 California?</p> <p>8 A No.</p> <p>9 Q When did you move back to</p> <p>10 California?</p> <p>11 A I moved back to California in</p> <p>12 2011.</p> <p>13 Q What prompted you?</p> <p>14 A When they had the -- the</p> <p>15 World Trade Center.</p> <p>16 Q In 2001?</p> <p>17 A 2001, yeah.</p> <p>18 Q And did you move back to</p> <p>19 California with your husband?</p> <p>20 A No, got divorced.</p> <p>21 Q So between 1990 and 2001, you</p> <p>22 lived in Connecticut?</p> <p>23 A From 1977 -- on February 4th,</p> <p>24 1977, until 9/11, I lived in Stamford,</p> <p>25 Connecticut. Then I moved the day</p>	<p style="text-align: right;">Page 17</p> <p>1 MCDONALD</p> <p>2 A Yes.</p> <p>3 Q And he was also a singer?</p> <p>4 A Yes.</p> <p>5 Q Did he play any instruments?</p> <p>6 A Played the piano.</p> <p>7 Q Anything else?</p> <p>8 A I don't know of him playing</p> <p>9 anything else other than the piano.</p> <p>10 Q Do you know if Ed read music?</p> <p>11 A Yes.</p> <p>12 Q Do you know if he had formal</p> <p>13 training in music?</p> <p>14 A My mother taught him piano.</p> <p>15 Q Anything else.</p> <p>16 A As far as music is concerned?</p> <p>17 Q As far as formal training,</p> <p>18 yeah.</p> <p>19 A All -- that's all I know is</p> <p>20 that he got his start through her. Now</p> <p>21 how much he improved on it, I don't</p> <p>22 know.</p> <p>23 Q Did he ever attend any type</p> <p>24 of school for music?</p> <p>25 A I do not know that.</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 MCDONALD</p> <p>2 Q What was the age difference</p> <p>3 between you and Ed?</p> <p>4 A Ed was born in '77 and I was</p> <p>5 born in -- no, Ed was born in '29, and</p> <p>6 I was born in '37, so...</p> <p>7 Q About eight years?</p> <p>8 A '29 and '37. Seven from nine</p> <p>9 is two, so about 12 years.</p> <p>10 Q Okay.</p> <p>11 Maybe I'm doing the math</p> <p>12 wrong.</p> <p>13 MS. RICE: 29 and 37 is 8.</p> <p>14 A No, that doesn't seem right.</p> <p>15 Q It's okay.</p> <p>16 I have an approximation. We</p> <p>17 can look up it.</p> <p>18 A He was born in 1929.</p> <p>19 Q Okay.</p> <p>20 A And I was born in 1937.</p> <p>21 Q Do you know who Ed's</p> <p>22 influences were musically?</p> <p>23 A My mother.</p> <p>24 Q Anyone else?</p> <p>25 A Not that I know of.</p>	<p style="text-align: right;">Page 20</p> <p>1 MCDONALD</p> <p>2 Mayfield was part of a group that he</p> <p>3 produced. It seems like back in the</p> <p>4 back of my mind that's how that was. I</p> <p>5 think Curtis Mayfield may have been a</p> <p>6 lot younger than Ed.</p> <p>7 Q So you think he might have</p> <p>8 produced some of Curtis Mayfield's</p> <p>9 songs?</p> <p>10 A Yes.</p> <p>11 Q Do you know if he, as a</p> <p>12 general matter, listened to Curtis</p> <p>13 Mayfield's recordings?</p> <p>14 A Did he ever listen to him?</p> <p>15 Yes.</p> <p>16 Q How about -- are you familiar</p> <p>17 with Buddy Holly?</p> <p>18 A Yes.</p> <p>19 Q Do you know if Ed listened to</p> <p>20 Buddy Holly?</p> <p>21 A I'm almost sure did he.</p> <p>22 Q Are you familiar with the</p> <p>23 group called the Fleetwoods?</p> <p>24 A I don't remember the</p> <p>25 Fleetwoods.</p>
<p style="text-align: right;">Page 19</p> <p>1 MCDONALD</p> <p>2 Q Do you know what type of</p> <p>3 music Ed liked to listen to?</p> <p>4 A All kinds.</p> <p>5 Q Can you give me some</p> <p>6 examples?</p> <p>7 A He loved gospel. He loved</p> <p>8 rhythm and blues. He loved classical</p> <p>9 music. He liked all form of music. He</p> <p>10 liked country western. He liked</p> <p>11 everything.</p> <p>12 Q Were there certain artists or</p> <p>13 performers that he particularly liked,</p> <p>14 did he have favorites?</p> <p>15 A I'm not sure.</p> <p>16 Q So no one stands out as being</p> <p>17 someone that he really looked up to?</p> <p>18 A No.</p> <p>19 Q Are you familiar with Curtis</p> <p>20 Mayfield?</p> <p>21 A Yes.</p> <p>22 Q Do you know if Curtis</p> <p>23 Mayfield was an influence of Ed?</p> <p>24 A I think. I don't want to get</p> <p>25 confused, because I think Curtis</p>	<p style="text-align: right;">Page 21</p> <p>1 MCDONALD</p> <p>2 Q Are you familiar with Elton</p> <p>3 John?</p> <p>4 A Yes.</p> <p>5 Q Do you know if Ed listened to</p> <p>6 Elton John?</p> <p>7 A Yes.</p> <p>8 Q How about Bee Gees?</p> <p>9 A Oh, yes.</p> <p>10 Q Okay.</p> <p>11 Are you familiar with an</p> <p>12 artist named Donovan?</p> <p>13 A Donovan? No.</p> <p>14 Q Neither am I, it's okay.</p> <p>15 Are you familiar with a group</p> <p>16 called the Stone Ponies?</p> <p>17 A No.</p> <p>18 Q Are you familiar with the</p> <p>19 group called the Ventures?</p> <p>20 A The Ventures, no.</p> <p>21 Q The Rolling Stones?</p> <p>22 A Yes.</p> <p>23 Q Do you know if Ed listened to</p> <p>24 the Rolling Stones?</p> <p>25 A I'm sure he did.</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 MCDONALD</p> <p>2 Q The Lovin' Spoonful?</p> <p>3 A I don't know of them.</p> <p>4 Q Peter and Gordon?</p> <p>5 A Peter and --</p> <p>6 Q Gordon.</p> <p>7 A I don't remember. The name</p> <p>8 doesn't ring a bell.</p> <p>9 Q You're familiar with the</p> <p>10 Beach Boys?</p> <p>11 A Yes.</p> <p>12 Q Do you know if Ed listened to</p> <p>13 the Beach Boys?</p> <p>14 A Yes.</p> <p>15 Q How about the group named</p> <p>16 Chad and Jeremy, are you familiar with</p> <p>17 them?</p> <p>18 A No.</p> <p>19 Q Are you familiar with Van</p> <p>20 Morrison?</p> <p>21 A Doesn't ring a bell.</p> <p>22 Q How about, last one, Billy</p> <p>23 Fury?</p> <p>24 A Billy Fury?</p> <p>25 Q Yes. F-U-R-Y.</p>	<p style="text-align: right;">Page 24</p> <p>1 MCDONALD</p> <p>2 with me. He had just come from</p> <p>3 New York, so he was at my house. And</p> <p>4 he came in my room and woke me up and</p> <p>5 said, come in here, I want you to hear</p> <p>6 something. And he played Let's Get It</p> <p>7 On. And he hadn't quite finished it.</p> <p>8 And then he played another song that</p> <p>9 was recorded on the album, If I Should</p> <p>10 Die Tonight.</p> <p>11 Q You said he played the song</p> <p>12 for you, what --</p> <p>13 A On the piano.</p> <p>14 Q Did he sing, as well?</p> <p>15 A Yes.</p> <p>16 Q And did he sing the lyrics or</p> <p>17 close to the lyrics of the final song?</p> <p>18 A Yes.</p> <p>19 Q And Marvin Gay ultimately</p> <p>20 recorded the song, correct?</p> <p>21 A He did.</p> <p>22 Q How did that come about?</p> <p>23 A Ed had called me at work the</p> <p>24 next day after he played the song for</p> <p>25 me and asked me if I would cook dinner,</p>
<p style="text-align: right;">Page 23</p> <p>1 MCDONALD</p> <p>2 A No, I am not familiar with</p> <p>3 him.</p> <p>4 Q You're family with the song</p> <p>5 Let's Get It On, correct?</p> <p>6 A Yes.</p> <p>7 Q And Ed co-wrote that song</p> <p>8 with Marvin Gay?</p> <p>9 A He did not cowrite it with</p> <p>10 Marvin Gay, Ed wrote the song.</p> <p>11 Q Ed wrote the song?</p> <p>12 A Yes. He wrote it -- in fact,</p> <p>13 he wrote it at my house.</p> <p>14 Q When was that?</p> <p>15 A In the '70s.</p> <p>16 Q Around 1973, does that sound</p> <p>17 correct?</p> <p>18 A It could have been.</p> <p>19 Q So do you have any knowledge</p> <p>20 about the process by which Ed created</p> <p>21 the song?</p> <p>22 A All I know is that he was</p> <p>23 sitting at the piano, I guess he was</p> <p>24 writing it at the time. He came in my</p> <p>25 room. He woke me up. He was staying</p>	<p style="text-align: right;">Page 25</p> <p>1 MCDONALD</p> <p>2 because he wanted to invite Marvin Gay</p> <p>3 over and introduce him to the song and</p> <p>4 see if he would record it.</p> <p>5 Q Did Marvin Gay come over?</p> <p>6 A Yes.</p> <p>7 Q And then what happened?</p> <p>8 A Then we ate dinner and they</p> <p>9 talked. And he played and talked. And</p> <p>10 I wasn't in on all of it. But, you</p> <p>11 know, they talked.</p> <p>12 Q Do you know if Ed gave any</p> <p>13 portion of the song to Marvin?</p> <p>14 A Yes.</p> <p>15 Q Did he?</p> <p>16 A Yes. Yes.</p> <p>17 Q I wanted to just be clear.</p> <p>18 Do you know how much of the</p> <p>19 song he gave to Marvin?</p> <p>20 A I used to know, but I've</p> <p>21 forgotten exactly.</p> <p>22 Q Does one-third sound correct?</p> <p>23 A It could have been a third.</p> <p>24 Q Do you know if the share that</p> <p>25 Marvin had in relation to Ed ever</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 30</p> <p>1 MCDONALD</p> <p>2 of Ed Townsend and everything that he</p> <p>3 owned through a deal we made, a</p> <p>4 financial deal.</p> <p>5 Q Right. But didn't the court</p> <p>6 say that that was not valid?</p> <p>7 A No, they ruled on that. And</p> <p>8 I was at -- it made it complicated</p> <p>9 because what happened was, David</p> <p>10 Pullman, you've probably heard the</p> <p>11 name, took Michael, his youngest son's</p> <p>12 share, his third. And when he took his</p> <p>13 third, that had part of the one-third</p> <p>14 that belonged to me in it. And he</p> <p>15 wouldn't release it. The other two</p> <p>16 heirs, his other two children released</p> <p>17 the six and two thirds percent of the</p> <p>18 ten percent to me through court.</p> <p>19 Q I see. Okay. I think I</p> <p>20 understand.</p> <p>21 So are you saying -- my</p> <p>22 understanding is that Kathy gave three</p> <p>23 and one-third percent to you, and the</p> <p>24 estate of David gave three and</p> <p>25 one-third percent to you for a total of</p>	<p style="text-align: right;">Page 32</p> <p>1 MCDONALD</p> <p>2 wanted to do.</p> <p>3 Q I understand. But I'm saying</p> <p>4 the court never said Kathy, the estate</p> <p>5 of David, you have to do this, it's my</p> <p>6 order. They were not under --</p> <p>7 A Oh, no. No.</p> <p>8 Q Thank you.</p> <p>9 So we were talking about the</p> <p>10 copyrights being distributed in Ed's</p> <p>11 estate.</p> <p>12 Was his entire catalog</p> <p>13 listed, was each and every copyright he</p> <p>14 owned listed?</p> <p>15 A I have a book with all his</p> <p>16 copyrights, songs -- well, I don't know</p> <p>17 how many actual copyrights I really</p> <p>18 have, but I know I have a -- what is</p> <p>19 that they call it? I can't think of</p> <p>20 the name. But, anyway, he had a</p> <p>21 document, a book of all his songs and</p> <p>22 everything that he had recorded and</p> <p>23 copyrighted in it. And he gave it</p> <p>24 to -- he had given it to me way before</p> <p>25 he died, a copy of it.</p>
<p style="text-align: right;">Page 31</p> <p>1 MCDONALD</p> <p>2 six and two-thirds percent; is that</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q And you're saying -- and how</p> <p>6 did that come about?</p> <p>7 A Because of the ten percent</p> <p>8 that was in the document that he had</p> <p>9 given me for the money I had let him</p> <p>10 have.</p> <p>11 Q I guess my question is: Did</p> <p>12 Kathy and David's estate do that</p> <p>13 voluntarily as gift to you, or was that</p> <p>14 something that the court said they had</p> <p>15 to do?</p> <p>16 A No. It was not as no gift to</p> <p>17 me. They honored his wishes per the</p> <p>18 document he had given me.</p> <p>19 Q But there was never a court</p> <p>20 order that said they have to do this;</p> <p>21 is that correct?</p> <p>22 A That they have no.</p> <p>23 Q The court never directed them</p> <p>24 to do it?</p> <p>25 A They told the court what they</p>	<p style="text-align: right;">Page 33</p> <p>1 MCDONALD</p> <p>2 Q And when the court -- the</p> <p>3 estate proceeding, this was in</p> <p>4 California, correct?</p> <p>5 A Yes.</p> <p>6 Q So when the estate was being</p> <p>7 settled in California, was a list of</p> <p>8 everything he owned -- was a list of</p> <p>9 every song he owned included in any of</p> <p>10 the court documents, or did the court</p> <p>11 documents just say, to the extent he</p> <p>12 has any rights in any songs, this is</p> <p>13 how it's going to be split?</p> <p>14 A It's called -- he had a</p> <p>15 catalog listing of all of his songs.</p> <p>16 And with that catalog listing, Ed was</p> <p>17 part of it.</p> <p>18 Q I'm just trying to understand</p> <p>19 if the actual -- if each actual song</p> <p>20 that I Ed ever wrote was identified</p> <p>21 specifically in the California court</p> <p>22 proceedings?</p> <p>23 A Yes.</p> <p>24 Q So there's a document that</p> <p>25 was filed with the court that lists all</p>

<p style="text-align: right;">Page 38</p> <p>1 MCDONALD</p> <p>2 They lived together in Sun City,</p> <p>3 California where I'm living now.</p> <p>4 Q Did you ever contact the LA</p> <p>5 Times and tell them that they were</p> <p>6 incorrect?</p> <p>7 A No.</p> <p>8 Q Do you know if anyone else</p> <p>9 did?</p> <p>10 A I do know at one time -- I</p> <p>11 don't know exactly how it came about,</p> <p>12 but I know Cherrigale had told me that</p> <p>13 she had read some information. And she</p> <p>14 went in on her computer and changed it</p> <p>15 and took it out. But then it came back</p> <p>16 in there. So, no, I don't know.</p> <p>17 Q And did Janice -- did Ed</p> <p>18 die -- is Janice still with us?</p> <p>19 A I don't know.</p> <p>20 Q Was she alive at the time of</p> <p>21 Ed's death?</p> <p>22 A Yes.</p> <p>23 Q Ed had a son named Clef or</p> <p>24 Michael, correct?</p> <p>25 A Clef Michael.</p>	<p style="text-align: right;">Page 40</p> <p>1 MCDONALD</p> <p>2 Ed and Cherrigale?</p> <p>3 A Yes.</p> <p>4 Q He was alive at the time of</p> <p>5 Ed's death?</p> <p>6 A Yes.</p> <p>7 Q But he also has passed away?</p> <p>8 A Yes.</p> <p>9 Q When did he pass away?</p> <p>10 A Ed passed away in '03, or</p> <p>11 '04, so I think David passed away in</p> <p>12 '05.</p> <p>13 Q And you're familiar, of</p> <p>14 course, with Kathy who was with us</p> <p>15 until recently when she departed,</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q Who is Kathy?</p> <p>19 A Kathy is Ed's daughter.</p> <p>20 Q Is she Ed's biological</p> <p>21 daughter?</p> <p>22 A Yes.</p> <p>23 Q Do you know who Kathy's</p> <p>24 biological mother is?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 39</p> <p>1 MCDONALD</p> <p>2 Q Clef Michael.</p> <p>3 A Um-hum.</p> <p>4 Q Is Clef Michael still with</p> <p>5 us?</p> <p>6 A No, he's deceased.</p> <p>7 Q When did he pass away?</p> <p>8 A He died -- this last time</p> <p>9 when -- this is what? This is 2018.</p> <p>10 It had to have been 2017 when -- when</p> <p>11 Houston had that flood and remember all</p> <p>12 that water and stuff? He died during</p> <p>13 that time.</p> <p>14 Q I'm sorry for your loss.</p> <p>15 A Thank you.</p> <p>16 Q Michael was the child of Ed</p> <p>17 and Cherrigale, correct?</p> <p>18 A Yes.</p> <p>19 Q And Ed also had another son</p> <p>20 that you mentioned named David,</p> <p>21 correct?</p> <p>22 A Edward David.</p> <p>23 Q Edward David?</p> <p>24 A Yes.</p> <p>25 Q And he also was the child of</p>	<p style="text-align: right;">Page 41</p> <p>1 MCDONALD</p> <p>2 Q Kathy what born in 1960,</p> <p>3 correct?</p> <p>4 A Something like that.</p> <p>5 Q Do you know if Ed was present</p> <p>6 at her birth?</p> <p>7 A I can't say for sure.</p> <p>8 Q Were you present at her</p> <p>9 birth?</p> <p>10 A No.</p> <p>11 Q Do you know what happened to</p> <p>12 Kathy when she was born in terms of who</p> <p>13 cared for her?</p> <p>14 A Yes.</p> <p>15 Q Who cared for her?</p> <p>16 A The doctor that delivered</p> <p>17 David and Mike also delivered Kathy.</p> <p>18 Kathy -- the doctor became in</p> <p>19 possession of Kathy until he could find</p> <p>20 adoptive parents for her. And he is</p> <p>21 the one who released Kathy to her</p> <p>22 adopted parents.</p> <p>23 Q How do you know all of that?</p> <p>24 A Because Ed told me.</p> <p>25 Q Is the basis -- do you have</p>

11 (Pages 38 - 41)

<p style="text-align: right;">Page 46</p> <p>1 MCDONALD</p> <p>2 A Because of his relationship</p> <p>3 with Ed, I would imagine. And plus</p> <p>4 he's the one who delivered Kathy.</p> <p>5 Q Okay.</p> <p>6 After Ed and Kathy reunited,</p> <p>7 did Ed --</p> <p>8 A When you say reunited?</p> <p>9 Q United, I should say.</p> <p>10 A Okay.</p> <p>11 Q When they first met, which</p> <p>12 Kathy I'll represent to you told us was</p> <p>13 in 1986.</p> <p>14 A What? No. What about '86?</p> <p>15 Q Show told us -- I believe she</p> <p>16 told us that she first met her father</p> <p>17 in 1986.</p> <p>18 A Okay.</p> <p>19 Q Do you disagree with that?</p> <p>20 A I don't -- I can't -- listen,</p> <p>21 all I can do is just tell you what I</p> <p>22 remembered. Okay. I know -- like I</p> <p>23 told you, I was living in Stamford,</p> <p>24 Connecticut at the time. I got a</p> <p>25 call -- now whether it was '76 -- I</p>	<p style="text-align: right;">Page 48</p> <p>1 MCDONALD</p> <p>2 A No, they have deceased.</p> <p>3 Q Did you ever meet them?</p> <p>4 A Yes.</p> <p>5 Q Do you know around</p> <p>6 approximately when they passed away?</p> <p>7 A No.</p> <p>8 Q And after Kathy met Ed, how</p> <p>9 was her relationship with her adoptive</p> <p>10 parents?</p> <p>11 A I couldn't tell you because I</p> <p>12 wasn't around them. They were in</p> <p>13 Mississippi and I was in Connecticut.</p> <p>14 So Kathy took me to Mississippi to meet</p> <p>15 them.</p> <p>16 Q And when you met them, it</p> <p>17 seemed like they got along?</p> <p>18 A Yes.</p> <p>19 Q And after Kathy and Ed met,</p> <p>20 what was their relationship like?</p> <p>21 A Father and daughter.</p> <p>22 Q What do you mean by that?</p> <p>23 A That was her father and that</p> <p>24 was his daughter. I do know that he</p> <p>25 took the two boys and Kathy to Mount</p>
<p style="text-align: right;">Page 47</p> <p>1 MCDONALD</p> <p>2 know it wasn't '76, but I know it was</p> <p>3 after that period. And he called me on</p> <p>4 the phone and told me that he had</p> <p>5 someone he wanted me to meet. And it</p> <p>6 was my niece. And her name was Kathy.</p> <p>7 Q Okay.</p> <p>8 A And we talked.</p> <p>9 Q Do you know if Ed ever took</p> <p>10 any steps to legally establish his</p> <p>11 rights as a father to Kathy after he</p> <p>12 met her in 1986?</p> <p>13 A I don't know that.</p> <p>14 Q Are Kathy's -- do you know</p> <p>15 who Kathy's adoptive parents were?</p> <p>16 A Um-hum.</p> <p>17 Q What were their names?</p> <p>18 Shirley and Ernest; is that right?</p> <p>19 A Yes. No, the first name</p> <p>20 was --</p> <p>21 Q Shirley.</p> <p>22 A Shirley. Shirley and Ernest,</p> <p>23 yes.</p> <p>24 Q Do you know if they're still</p> <p>25 alive?</p>	<p style="text-align: right;">Page 49</p> <p>1 MCDONALD</p> <p>2 Bayou, Mississippi. And I don't know</p> <p>3 for what long a period of time, but I</p> <p>4 know it was months for them to bond</p> <p>5 together as siblings.</p> <p>6 Q When you first met Kathy,</p> <p>7 were you aware of the fact that she was</p> <p>8 struggling with addiction?</p> <p>9 A Yes.</p> <p>10 Q And how did you come to learn</p> <p>11 that?</p> <p>12 A Ed had told me. And I had</p> <p>13 talked to her on different occasions</p> <p>14 when she was incarcerated.</p> <p>15 Q Do you know if Ed struggled</p> <p>16 with addiction also?</p> <p>17 A Yes, he did. Alcohol and</p> <p>18 drugs.</p> <p>19 Q Cherrigale, Ed's first and</p> <p>20 only wife, she recently passed away?</p> <p>21 A In February of 19 -- 2017.</p> <p>22 Q And I'm sorry for your loss.</p> <p>23 But I wanted to ask you, what was her</p> <p>24 relationship like with Kathy during her</p> <p>25 lifetime?</p>

13 (Pages 46 - 49)

<p style="text-align: right;">Page 50</p> <p>1 MCDONALD</p> <p>2 A Oh, they were able to bond</p> <p>3 together after -- I sent -- sorry.</p> <p>4 After I sent Michael to Houston to be</p> <p>5 with Kathy so she could look out for</p> <p>6 him. Okay. Cherrigale later went to</p> <p>7 Houston to visit, and I recommended</p> <p>8 that she stay with Cherrigale -- I</p> <p>9 mean, that she stay with Kathy and they</p> <p>10 bond. You know, since now they both</p> <p>11 are grown and can understand life a</p> <p>12 little bit better. And she went and</p> <p>13 that was the best thing I could have</p> <p>14 done for her.</p> <p>15 Q And Cherrigale believed that</p> <p>16 Kathy was Ed's daughter?</p> <p>17 A Yes.</p> <p>18 Q And do you know what made her</p> <p>19 believe that, what basis for her belief</p> <p>20 was?</p> <p>21 A Because eventually Ed had</p> <p>22 told her. And she was upset because he</p> <p>23 didn't tell her beforehand and let her</p> <p>24 be adopted. Because she wanted him to</p> <p>25 bring her home and they raise her. And</p>	<p style="text-align: right;">Page 52</p> <p>1 MCDONALD</p> <p>2 bit before but -- so Ed died in 2003,</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q And he died without a will?</p> <p>6 A That's what they said.</p> <p>7 Q There were proceedings in the</p> <p>8 court in California to settle his</p> <p>9 estate?</p> <p>10 A Yes.</p> <p>11 Q And you at one point were</p> <p>12 named personal representative of the</p> <p>13 estate, correct?</p> <p>14 A Yes.</p> <p>15 Q How did that come about?</p> <p>16 A In the document that Ed had</p> <p>17 sent me when I let him have the money,</p> <p>18 in it he named me as the person to be</p> <p>19 his personal representative if anything</p> <p>20 happened to him.</p> <p>21 Q Was there ever a point in</p> <p>22 time when David was supposed to be the</p> <p>23 personal representative?</p> <p>24 A Yeah. He tried to be. But</p> <p>25 there were circumstances that wouldn't</p>
<p style="text-align: right;">Page 51</p> <p>1 MCDONALD</p> <p>2 Kathy's real name is Cherrigale.</p> <p>3 Q Do you know if Cherrigale</p> <p>4 knew the biological mother?</p> <p>5 A No, I don't think she did.</p> <p>6 None of us -- now, Ed didn't have</p> <p>7 secrets, and that is the only thing</p> <p>8 that he would not tell me is who her</p> <p>9 mother was.</p> <p>10 Q And how was Kathy's</p> <p>11 relationship with her brothers during</p> <p>12 her lifetime?</p> <p>13 A It's their sister, they loved</p> <p>14 her.</p> <p>15 Q And they both believed her to</p> <p>16 be Ed's daughter?</p> <p>17 A Yes, without a doubt.</p> <p>18 Q And the basis for their</p> <p>19 belief, as far as you know, was because</p> <p>20 Ed told them that?</p> <p>21 A Because -- yeah, Ed had them</p> <p>22 together and introduced her as said</p> <p>23 their sister, you know, from his --</p> <p>24 from him.</p> <p>25 Q We touched on this a little</p>	<p style="text-align: right;">Page 53</p> <p>1 MCDONALD</p> <p>2 allow him to be, so he conceded it and</p> <p>3 said that I should be it.</p> <p>4 Q What were those circumstances</p> <p>5 that didn't allow him to be?</p> <p>6 A He didn't have driver's</p> <p>7 license or -- and other things I don't</p> <p>8 remember. But it was something that he</p> <p>9 couldn't fulfill.</p> <p>10 Q And he had to have a driver's</p> <p>11 license in order to be the personal</p> <p>12 representative?</p> <p>13 A I'm sure the driver's --</p> <p>14 because he had to be bonded and all</p> <p>15 that different kind of stuff. So he</p> <p>16 had to have certain documents and</p> <p>17 things that he didn't have.</p> <p>18 Q I see. Okay.</p> <p>19 At a certain point in time</p> <p>20 your powers as personal representative</p> <p>21 were suspended, correct?</p> <p>22 A Yes.</p> <p>23 Q Why were your powers</p> <p>24 suspended?</p> <p>25 A Because, remember I told you</p>

14 (Pages 50 - 53)

<p style="text-align: right;">Page 70</p> <p>1 MCDONALD</p> <p>2 that?</p> <p>3 A I don't know.</p> <p>4 Q How do you know that Dr.</p> <p>5 Owens delivered Kathy?</p> <p>6 A Ed told me. Ed told me that</p> <p>7 he was the doctor and she was born at</p> <p>8 Englewood Basinet in Englewood,</p> <p>9 California.</p> <p>10 Q Apart from Ed telling you, do</p> <p>11 you have any independent knowledge of</p> <p>12 that?</p> <p>13 A No, I wasn't there.</p> <p>14 Q Was the California court made</p> <p>15 aware of the fact that Kathy had been</p> <p>16 adopted?</p> <p>17 A Yeah, I'm sure they knew</p> <p>18 that.</p> <p>19 Q What makes you say that?</p> <p>20 A Because they knew her name</p> <p>21 was Kathryn Griffin Townsend -- I mean,</p> <p>22 I'm sorry, Kathryn M. Griffin.</p> <p>23 Q Are you aware of a specific</p> <p>24 instance in which the court was</p> <p>25 specifically told that Kathy was</p>	<p style="text-align: right;">Page 72</p> <p>1 MCDONALD</p> <p>2 ready let me know.</p> <p>3 I am not going to be asking</p> <p>4 you about the entire document, I just</p> <p>5 want to know if this looks familiar to</p> <p>6 you?</p> <p>7 A It does.</p> <p>8 Q What do you think this is?</p> <p>9 A One of the filings of the</p> <p>10 court by Mr. Heaton.</p> <p>11 Q If you turn to the final page</p> <p>12 of this document, it's upside down,</p> <p>13 actually.</p> <p>14 Is that your signature there</p> <p>15 on that page?</p> <p>16 A Yes, it is.</p> <p>17 Q So you signed this on, what</p> <p>18 is it?</p> <p>19 A December 16, 2005.</p> <p>20 Q Exactly. Thank you.</p> <p>21 After Ed died, Michael Clef</p> <p>22 sold his rights to Mr. Pullman,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q And so Mr. Pullman -- so the</p>
<p style="text-align: right;">Page 71</p> <p>1 MCDONALD</p> <p>2 adopted?</p> <p>3 A I can't attest to that. I</p> <p>4 don't know, it could have happened.</p> <p>5 Q But you're not sure?</p> <p>6 A I'm not sure.</p> <p>7 Q Do you have any reason to</p> <p>8 believe that it did happen?</p> <p>9 A No.</p> <p>10 (Document entitled, First and</p> <p>11 Final Account and Report, was</p> <p>12 marked Defendants' Exhibit 6, for</p> <p>13 identification, as of this date.)</p> <p>14 Q We've handed you what we've</p> <p>15 marked as Exhibit D6. It's a 14 page</p> <p>16 document.</p> <p>17 A Um-hum.</p> <p>18 Q It has a long title, so I'm</p> <p>19 not going to read the full thing. It</p> <p>20 starts out saying first and final</p> <p>21 account and report.</p> <p>22 A Yes.</p> <p>23 Q If you turn to the very last</p> <p>24 page -- well, first of all, please take</p> <p>25 a minute to review it and when you're</p>	<p style="text-align: right;">Page 73</p> <p>1 MCDONALD</p> <p>2 rights were split in thirds; one-third</p> <p>3 to Kathy, one-third to David and</p> <p>4 one-third to Michael Clef, correct?</p> <p>5 A Correct.</p> <p>6 Q And then Kathy and the estate</p> <p>7 of David each gave you three and</p> <p>8 one-third percent, correct?</p> <p>9 A They released three and</p> <p>10 one-third percent.</p> <p>11 Q To you?</p> <p>12 A To me.</p> <p>13 Q So you have six and --</p> <p>14 A They only had -- okay.</p> <p>15 They really by -- by what it</p> <p>16 should have been, that they only had</p> <p>17 90 percent to be divided up. But the</p> <p>18 court required them to release their</p> <p>19 three and a third. They released the</p> <p>20 three and a third percent of that 33</p> <p>21 and a third percent to me. Kathy did.</p> <p>22 David did. And Michael did. But</p> <p>23 somehow or another when Pullman</p> <p>24 purchased Michael's percentage, he</p> <p>25 would not release it. We fought and</p>

19 (Pages 70 - 73)

Page 86

1 MCDONALD
2 received, let's say, approximately, for
3 the year, a little over \$20,000 each --
4 Q Is that --
5 A -- each year.
6 Q Is that for all of Ed songs
7 or just Let's Get It On?
8 A Wait a minute. BMI pays for
9 For Your Love. So I receive payments
10 from BMI twice a year for royalties for
11 For Your Love. His song, For Your
12 Love. Then, you know, when I looked at
13 the sheet it has a breakdown of all the
14 songs that have been used or played or
15 monies that was accumulated on it.
16 Q So, again, I'm just trying to
17 understand.
18 You said you think that
19 the -- you received a little over
20 \$20,000 each year.
21 A Um-hum.
22 Q And my question is just, is
23 that for all of Ed's songs or is that
24 just for Let's Get It On?
25 A I would say it was for

Page 87

1 MCDONALD
2 everything.
3 Q And you said that BMI issues
4 payments for For Your Love.
5 A Yes.
6 Q Who makes payments for Let's
7 Get It On?
8 A Sony Records.
9 Q Anyone else?
10 A That's a good question.
11 That's a good question.
12 Q You don't know sitting here
13 today?
14 A No.
15 Q You said Sony Records, is it
16 possible that you meant Sony ATV?
17 A Um-hum. Yes.
18 Q Let's take a short break. I
19 don't have too much left.
20 A Okay.
21 (Whereupon, a brief recess
22 was taken.)
23 Q Just jumping around a little
24 bit.
25 You mentioned that Ed played

Page 88

1 MCDONALD
2 Let's Get It On for you on piano when
3 he first wrote the song?
4 A Yes.
5 Q And it was just him, the
6 piano and singing?
7 A Yes.
8 Q And then the next night
9 Marvin came over?
10 A Yes.
11 Q And Ed played the song for
12 him?
13 A Yes.
14 Q Were you present for that?
15 A Yes.
16 Q And it was, again, just Ed,
17 the piano and signing?
18 A Yes.
19 Q Did Marvin contribute
20 anything at that time?
21 A No, he listened.
22 Q So there were no drums?
23 A No nothing, just piano.
24 Q Got it.
25 Have you seen the copyright

Page 89

1 MCDONALD
2 registration for Let's Get It On?
3 A Yes.
4 Q Do you know who prepared it?
5 A No, I don't remember all of
6 that.
7 Q Do you know if it was Ed that
8 wrote out all the notes on the
9 copyright registration?
10 A I know Ed had a guy named
11 Renee Hall. Once he composed a song he
12 would go to him and he would actually
13 put the notes and stuff down on the
14 music paper for him, if that's what you
15 are asking me.
16 Q Do you know if in this
17 instance it was Mr. Hall who wrote out
18 the notes for Let's Get It On?
19 A It could have been.
20 Q But you're not sure?
21 A I wasn't there.
22 Q Okay.
23 Were you aware that
24 Mr. Sheeran has appeared for a
25 deposition and done what you're doing

23 (Pages 86 - 89)

Page 98

1 MCDONALD
2 starts singing so I could understand.
3 Because she knew I didn't know music.
4 And that's -- as I was playing Ed
5 Sheeran's song, she sung Let's Get It
6 On to it. And I then could distinguish
7 that, yeah -- oh, it is a possibility
8 that this was plagiarized.
9 Q Apart from that, is there
10 anything else that makes you think it
11 was plagiarized?
12 A No.
13 Q You mentioned Cherrigale knew
14 music.
15 A Yes.
16 Q What was her music
17 background?
18 A She -- Cherrigale was always
19 members of Choral Groups, church groups
20 and through school, through college and
21 everything she studied music.
22 Q She studied music in school?
23 A Yes.
24 Q Did she read and write music?
25 A I'm almost sure she read it.

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1 MCDONALD
2 I don't know whether she wrote -- I
3 think she did more writing of -- just
4 writing.
5 Q Of words?
6 A Words, not music.
7 Q And did she play any
8 instruments?
9 A Not that I know of.
10 Q Do you know if she ever wrote
11 with Ed?
12 A Not that I know of.
13 Q Did she ever sing on any --
14 A Yes.
15 Q -- albums that were released?
16 A Yes.
17 For Your Love -- she's in the
18 background of For Your Love. And a lot
19 of other recordings that he had done,
20 she was part of it.
21 Q Have you ever heard the term
22 substantial similarity before?
23 A No.
24 Q It's a legal term.
25 You're not familiar with

Page 100

1 MCDONALD
2 that?
3 A No.
4 Q So you don't have an
5 understanding as to what that means?
6 A No.
7 Q Do you know if Kathy knows
8 what that means?
9 A I don't know.
10 Q Do you know if Cherrigale,
11 while she was alive, knew what that
12 meant?
13 A I don't know.
14 Q Are you familiar with the
15 song called Blurred Lines?
16 A Yes.
17 Q And are you familiar with the
18 lawsuit regarding that song?
19 A Yes.
20 Q What's your understanding of
21 that lawsuit?
22 A That Robert Thicke [sic] and
23 what's his name, Pharrell Williams or
24 whatever it is, plagiarized the --
25 what's the name of the song by Marvin

Page 101

1 MCDONALD
2 Gay?
3 Q And have you discussed the
4 Blurred Lines case with Kathy?
5 A I don't know. We may have
6 said something in conversation about
7 it.
8 Q Do you have any specific
9 memory of the conversation about it?
10 A No.
11 Q How about with Cherrigale
12 while she was still with us?
13 A I don't recall.
14 Q Apart from your lawyers, have
15 you spoken about the Blurred Lines case
16 with anyone else?
17 A No.
18 Q Just to be clear, anyone else
19 besides Kathy? I am not saying you did
20 or did not speak about it with your
21 attorneys.
22 A No.
23 Q We discussed David Pullman
24 before.
25 Have you discussed Thinking

26 (Pages 98 - 101)

<p style="text-align: right;">Page 102</p> <p>1 MCDONALD</p> <p>2 Out Loud or anything related to this</p> <p>3 case with Mr. Pullman?</p> <p>4 A Heavens, no.</p> <p>5 Q Why do you say Heavens, no.</p> <p>6 A Because he better not call my</p> <p>7 phone number and ask me nothing.</p> <p>8 Q And you seem to feel very</p> <p>9 strongly about this. What --</p> <p>10 A Because of what he did to my</p> <p>11 nephew.</p> <p>12 Q You feel they stole rights</p> <p>13 from your nephew?</p> <p>14 A Yes, he did. And the courts</p> <p>15 let him get away with it.</p> <p>16 Q Have you discussed anything</p> <p>17 relating to Thinking Out Loud or this</p> <p>18 lawsuit with anyone from the press or</p> <p>19 the media?</p> <p>20 A No.</p> <p>21 Q Do you know any of the heirs</p> <p>22 of Marvin Gay?</p> <p>23 A Yes.</p> <p>24 Q Who do you know?</p> <p>25 A I know Jan Gay.</p>	<p style="text-align: right;">Page 104</p> <p>1 MCDONALD</p> <p>2 anyone else that you've spoken to about</p> <p>3 Thinking Out Loud? It's a poor</p> <p>4 question, let me try that again.</p> <p>5 Apart from the people we</p> <p>6 already mentioned today, have you</p> <p>7 spoken with anyone else about Thinking</p> <p>8 Out Loud?</p> <p>9 A Yes.</p> <p>10 Q Who?</p> <p>11 A I was Temmecula,</p> <p>12 T-E-M-M-E-C-U-L-A, I think it is. I</p> <p>13 was at a wine tasting place and I think</p> <p>14 Let's Get It On came on and was</p> <p>15 playing. And I said to the bar ladies</p> <p>16 that -- I said, oh, that's my brother's</p> <p>17 record. They said, oh, you're kidding?</p> <p>18 And I said, no, it is. And I said,</p> <p>19 also, do you know of Ed Sheeran? And</p> <p>20 they said, yes. And I said well,</p> <p>21 Thinking Out Loud. And they took it</p> <p>22 out of my mouth. They said that it</p> <p>23 sounds just like Let's Get It On.</p> <p>24 Q There is you saying those</p> <p>25 things?</p>
<p style="text-align: right;">Page 103</p> <p>1 MCDONALD</p> <p>2 Q Anyone else?</p> <p>3 A No.</p> <p>4 Q How do you know Jan Gay?</p> <p>5 A I met Jan Gay as a baby</p> <p>6 through Ed.</p> <p>7 Q Have you stayed in contact</p> <p>8 since that time?</p> <p>9 A Not really.</p> <p>10 Q When is the last time you</p> <p>11 spoke to her?</p> <p>12 A This is 2018? I don't know</p> <p>13 whether it was this year or last year I</p> <p>14 did speak to her.</p> <p>15 Q Have you ever spoken to her</p> <p>16 about Thinking Out Loud?</p> <p>17 A No.</p> <p>18 Q Have you ever spoken to her</p> <p>19 about this lawsuit?</p> <p>20 A No.</p> <p>21 Q Have you ever spoken to her</p> <p>22 about the Blurred Lines case?</p> <p>23 A No.</p> <p>24 Q Apart from people we've</p> <p>25 already mentioned today, is there</p>	<p style="text-align: right;">Page 105</p> <p>1 MCDONALD</p> <p>2 A They said -- I said to them</p> <p>3 when Ed's song, Let's Get It On was</p> <p>4 playing, I said that's my brother's</p> <p>5 song. And they said, you're kidding</p> <p>6 me? Nope. So I said, are you familiar</p> <p>7 with Ed Sheeran? And they said, yes.</p> <p>8 Thinking Out Loud? They said, yes.</p> <p>9 They said, in fact, it sounds just like</p> <p>10 Let's Get It On. They said it.</p> <p>11 Q Do you know when this was?</p> <p>12 A It was coming up my birthday,</p> <p>13 so it was when I was about -- I'm 80</p> <p>14 last August, so it could have been when</p> <p>15 I turned 79. When I was turning 79.</p> <p>16 Q Do you know if it was before</p> <p>17 or after June 2017?</p> <p>18 A After June 17?</p> <p>19 Q 2017.</p> <p>20 A 2017?</p> <p>21 Q Yes.</p> <p>22 A I know it was close to my</p> <p>23 birthday because my girlfriend that was</p> <p>24 with me, we were going to back down on</p> <p>25 my birthday and have some wine.</p>

27 (Pages 102 - 105)